

UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF NORTH CAROLINA
SHELBY DIVISION

IN RE: DONALD E. SMITH, JR.
KIM S. SMITH

CHAPTER 7
CASE NO. 10-40573

Debtors

**RESPONSE TO TRUSTEE'S
OBJECTION TO EXEMPTIONS**

NOW COMES Kim S. Smith, by and through her attorney, responding to the Objections to Exemptions filed by the Trustee and shows to the Court.

1. The Trustee has objected to the debtors' exemption claims in the life insurance proceeds which she has received upon the death of her husband, Donald E. Smith, Jr.
2. The debtor along with her husband Donald E. Smith, Jr. filed a chapter 7 petition on July 2, 2010. Donald E. Smith, Jr. Died on August 13, 2010. Blue Cross Blue Shield paid a life insurance policy amount of \$10,000.00 to Kim S. Smith as beneficiary of Donald E. Smith, Jr.'s policy.
3. The debtor is entitled to the full value of the life insurance payout as exempt pursuant to N.C.G.S. § 1C 1601(a)(2) and N.C.G.S. §30-15 as a widow's allowance.
4. The exemptions should be allowed and the Trustee's objection denied.

WHEREFORE, the debtor prays the Court as follows:

1. That the Trustee's objection to the exemptions be denied.
2. For the cost of this action including reasonable attorney's fees.
3. For such other and further relief as to the Court may seem just and proper.

This the 15 day of November, 2010.

PITTS, HAY & HUGENSCHMIDT, P.A.

By: 

Robert M. Pitts, State Bar 5795
137 Biltmore Avenue
Asheville, N.C. 28801
(828) 255-8085

CERTIFICATE OF SERVICE

This is to certify that I have this date served a copy of the foregoing document on the parties listed below by Electronic means (*) or by depositing same with the United States Postal Service in a properly addressed envelope with adequate postage thereon:

Robert C. Barnett, Trustee*
13777 Ballantyne Corporate Place
Suite 320
Charlotte, NC 28277

This the 15 day of November, 2010.

PITTS, HAY & HUGENSCHMIDT, P.A.

By: 

Robert M. Pitts, State Bar 5795
137 Biltmore Avenue
Asheville, North Carolina 28801
Telephone: (828) 255-8085